

## REMARKS

The above amendments and these remarks are responsive to the Office action dated October 6, 2005, and are being filed under 37 C.F.R. § 1.111. Claims 1-25 are pending in the application. In the Office action, the Examiner rejected each of the claims under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants traverse the rejections, contending that the rejected claims are not indefinite. Nevertheless, to expedite the issuance of a patent, and to more particularly point out and distinctly claim aspects of the invention that applicants would like to patent now, applicants have (1) canceled claims 1-25, without prejudice, and (2) added new claims 26-43. Applicants reserve the right to prosecute the canceled claims at a later time. Applicants respectfully request reconsideration of the rejected claims, and prompt issuance of a Notice of Allowability.

### *I. Rejections Under 35 U.S.C. § 112*

The Examiner rejected claims 1-25 as being indefinite under 35 U.S.C. § 112, second paragraph. Applicants traverse the rejections, contending that the claims are definite. Nevertheless, applicants have canceled each of claims 1-25, rendering the rejections moot. These amendments are intended, as mentioned above, to expedite the issuance of a patent, and to more particularly point out and distinctly claim aspects of the invention that applicants would like to patent now.

The Examiner requested additional information in the Office action about the meaning of the terms "particle" and "substrate," in the context of claims 1-25. Applicants believe that these terms are clear and definite, as they appear in the new claims. Nevertheless, to assist the Examiner, the term "particle" is intended to mean an object

that is small. A particle may comprise a substrate that forms at least a structural portion of the particle. For example, a layer of polarizing material may be disposed on the substrate (e.g., see claim 27) and/or the substrate may provide for connection of a sample and/or reagent.

***II. New Claims***

The present communication adds new claims 26-43. Each of the new claims is fully supported by the subject patent application. Exemplary support for the new claims can be found, without limitation, in the explicit text of the subject patent application and in the text of U.S. Patent Application Serial No. 10/120,900, filed April 10, 2002 (the '900 application), which is incorporated by reference into the subject patent application. The exemplary support listed in the following table is from the explicit text of the subject patent application, except where noted otherwise:

<b>Claim</b>	<b>Exemplary Support</b>
26	Claim 1; page 15, lines 11-18; and the '900 application - see, e.g., claim 1
27	Claim 2
28	Claim 3
29	Claim 4
30	Claim 5
31	Claim 11
32	Claim 6
33	Claim 7
34	Claim 8
35	Claim 9
36	Claim 10
37	Page 15, lines 12-14
38	Claim 24; page 15, lines 11-18; and the '900 application - see, e.g., claim 1

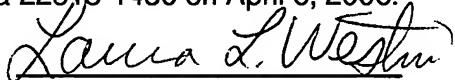
Claim	Exemplary Support
39	The '900 application - see, e.g., claim 37
40	Claim 24
41	Claim 24
42	Claim 25
43	Claim 24

### **III. Conclusion**

Applicants believe that this communication is fully responsive to the Office action, and that the claims are currently in condition for allowance. However, if there are any remaining matters, or if it would otherwise advance prosecution of the application, the Examiner is encouraged to call Stan Hollenberg (Reg. No. 47,658) or the undersigned attorney, both at (503) 224-6655.

#### **CERTIFICATE OF MAILING**

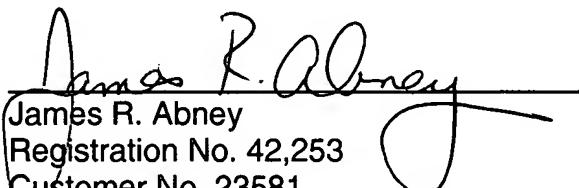
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 6, 2006.



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Respectfully submitted,

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